

**CIRCULAR 11**  
**Revised**

# **REGULATIONS ON PLANT DISEASES AND PESTS**

This circular is issued in September, 1997, by the **Arkansas State Plant Board**. Other regulations issued by the Plant Board are covered in other circulars. Address correspondence to State Plant Board, P.O. Box 1069, Little Rock, AR 72203.

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Approved and Issued by:

## **ARKANSAS STATE PLANT BOARD**

Under Authority of:

The Plant Act (A.C.A. §§ 2-16-201 through 2-16-214)

Emergency Plant Act (A.C.A. §§ 2-16-301 to 310)

Nursery Fraud Act (A.C.A. §§ 2-21-101 thru 113)

**SECTION I. PUBLIC NUISANCE DECLARED.** The following plant diseases, insect pests and noxious weeds, under the provisions of the Arkansas Plant Act ( A.C.A. § 2-16 - 201 et seq) are

hereby declared to be a public nuisance, including anything infected, infested or contaminated therewith. The extent to which these plant diseases, insect pests and noxious weeds are regulated is covered in this and other Plant Board circulars. Italized pests are intent of horticulture inspections.

#### **A. Plant Disease Pests Listed**

1. *Chestnut blight* (chestnut and chinquapin)
2. *Phony peach, peach mosaic and peach rosette*
3. *Fusiform and other gall rusts of pines*
4. Texas root rot (cotton and other plants)
5. *Oak wilt (oak, chestnut and other trees and shrubs)*
6. *Cedar-apple rust*
7. *Fire blight (pear, apple and other plants)*
8. *Root knot nematode*
9. *Soybean cyst nematode*
10. *Foliar nematodes (Aphelenchoides besseyi and others)*
11. *Crown gall and other infectious galls*
12. *Hairy root of apple and rose*
13. *Bacterial spot of peach*
14. *Strawberry dwarf*
15. *Red stele of strawberry*
16. *Virus diseases on horticultural crops*
17. *Strawberry yellows (genetic)*
18. *Infectious cankers*
19. *Bacterial spot of tomato*
20. *Alternaria and septoria leaf spots of tomato*
21. *Late blight of tomato*
22. *Camellia petal blight*
23. *Azalea petal blight*
24. Hoja blanca disease of rice
25. *Internal cork of sweet potato*
26. *Black rot of sweet potato*
27. *Stem rot of sweet potato*
28. *Anthraxnose on various host plants*
29. *Pink root of onion*
30. *Sting nematode*
31. *Blights and leaf spots damaging to plants*
32. *Collar rot*
33. *Dutch Elm disease*
34. *Phloem necrosis*
35. *Bud rot on strawberries*
36. *Fusarium wilt of tomatoes (all races)*
37. *Blueberry nursery stock diseases*
38. *Pinewood nematode*
39. Blackleg of rape
40. *Rose Rossette*

#### **B. Insect Pests Listed**

1. Pink bollworm (cotton and okra)

2. *Sweet Potato weevil*
3. Fruit flies (fruit and vegetable) does not apply to *Drosophila*
4. Khapra beetle and other stored grain insects
5. Bruchids and other pest of seeds (seeds of crops and other plants)
6. *Japanese Beetle (trees, fruits, vegetables and other plants)*
7. *Gypsy and Browntail moths and other leaf-feeding insects (trees, shrubs and other plants)*
8. *Fire ant, Argentine ant, carpenter ant and other injurious ants*
9. *Vegetable weevil*
10. *White-fringed beetle*
11. European chafer
12. Termites
13. Powderpost beetles
14. *San Jose scale and other scale insects*
15. *Wooly Aphis*
16. *White flies*
17. *Strawberry crown borer*
18. *Pine tip moth and other insects attacking pine shoots*
19. Oriental fruit moth
20. *Borers of all kinds*
21. *European red mite and other spider mites*
22. *Bagworms and other leaf-eating insects*
23. *Thrips*
24. *Aphids*
25. Harlequin bugs
26. Roaches and other household insect pests
27. *Elm leaf beetle*
28. Cereal leaf beetle
29. Southern pine beetle
30. *Brown garden snail, or any other plant destroying snail*
31. *Asian Ambrosia Beetle*

### C. Noxious Weeds Listed

1. Field bindweed (***Convolvulus arvensis***)
2. Nut grass (***Cyperus rotundus***)
3. Wild onion and/or wild garlic (***Allium* spp.**)
4. Johnson grass (***Sorghum halapense***)
5. Dodder (***Cuscuta* spp.**)
6. Bermudagrass (***Cynodon dactylon***)
7. Cheat or Chess (***Bromus secalinus***)  
and/or (***Bromus commutatus***)
8. Darnel (***Lolium temulentum***)
9. Corncockle (***Agrostemma githago***)
10. Horsenettle (***Solanum carolinense***)
11. Purple nightshade (***Solanum elaeagnifolium***)
12. Buckhorn plantain (***Plantago lanceolata***)
13. Bracted plantain (***Plantago aristata***)
14. ***Rumex* spp.**
15. Blueweed (***Helianthus ciliaris***)

16. Morning Glory (***Ipomea* spp.**)
17. Hedge Bindweed (***C. sepium***)
18. Red rice (***Oryza sativa* var.**)
19. Curly indigo (***Aeschynomene virginica***)
20. Tall indigo or coffee bean (***Sesbania exaltata***)
21. Giant foxtail (***Setaria faberi***)
22. Witchweed (***Striga* spp.**)
23. Crotalaria (***Crotalaria* spp.**)
24. Cocklebur (***Xanthium* spp.**)
25. Moonflower (***Calonyction muricatum***)
26. Alligatorweed (***Alternanthera* spp.**)
27. Balloonvine (***Cardiospermum halicacabum***)
28. Itchgrass (***Rottboellia exaltata***)
29. Thistle (***Carduus*, *Cirsium*, *Onopordum*, *Silybum*, *Scolymus*, *Salsola* and other genera**)
30. Serrated Tussock (***Nassella trichotoma***)
31. *Purple Loosestrife* (***Lythrum salicaria***)
32. Barnyardgrass (***Echinochloa crusgalli***)

Any foreign insect, plant disease or weed which may be brought into Arkansas and whose habits and injuriousness under the conditions of agriculture in Arkansas are unknown, is regarded as dangerous and is declared to be a public nuisance.

## **SECTION II. REGULATIONS ON VEGETABLE AND SMALL FRUIT PLANTS.**

**A. Regulations on the Sale of Vegetable Garden Plants including Sweet Potato and Strawberry Plants.** Any person selling, offering for sale, or transplanting for sale any, vegetable garden plants including sweet potato and strawberry plants for planting purposes within or into the State of Arkansas shall meet the following requirements.

1. Sale in bulk is prohibited, except at production site to a local consumer.
2. Each container in which plants are offered for sale shall be conspicuously labeled in legible English language with the following:
  - a. Name and address of producer
  - b. Arkansas Permit Number
  - c. Varietal name
  - d. If sold in bundles:
    1. Number of plants per bundle
    2. Number of bundles in container
3. The above information may be stenciled, engraved or embossed on the containers, printed or rubber stamped on tags or labels attached to the containers, or on stakes

displayed in each container, or displayed in any combination of these methods desired by the producer.

4. In addition to the above, each bundle of sweet potato plants shall also carry an individual label showing the producer's name and address. Bundle labels shall be supplied by the producer.
5. Every container or bundle which does not display complete labeling as described above shall be subject to an immediate Stop-Sale Order.
6. No Arkansas Permit Number shall be issued for sweet potato plants or vine cuttings originating in an area in which the sweet potato weevil is known to exist.

7. **Securing Arkansas Permit Numbers.**

- a. **Arkansas Producers.** Permit Numbers will be assigned to Arkansas producers upon receipt of Plant Board application forms and the required inspection fees. Even though a Permit Number has been assigned, no sales shall be made until a producer's plants have been inspected and found reasonably free of insects, diseases and noxious weeds. The Plant Board shall cancel a Permit Number anytime the producer's plants are found infested with insects, plant diseases and noxious weeds which may be disseminated with the plants, as declared in Section 1.

Producers who wish to have their own rubber stamps, printed labels, special tags or stakes made with their Permit Number included thereon shall file applications early enough to allow time for this. The Plant Board does not supply labels or tags of any kind for plants.

B. **Out-of-State Producers.** Arkansas Permit Numbers may be obtained by out-of-state producers by filing:

- a. Application forms provided by the Plant Board
- b. Official certificates of inspection of state of origin
- c. Appropriate Annual Registration fees

If early application, before inspections have been made, should be necessary to allow time for the preparation of rubber stamps, printed labels, special tags or printed stakes with the Arkansas Permit Number included thereon, the application shall be accompanied by a statement from a Plant Regulatory Official of the state involved certifying that the producer's plants will be kept under periodic inspection during the shipping season and that certificates of inspection will be filed with the Plant Board as inspections are made. The statement shall also certify that anytime a producer's plants do not pass inspection the State Plant Board shall be notified so the Arkansas Permit Number can be canceled.

By special permission of the Director, plants may be brought into Arkansas without Permit Numbers, to be inspected by Plant Board inspectors at a specified destination point on arrival, and Permit Numbers issued if plants are found to be reasonably free of diseases, insects and noxious weeds.

### **Special Regulations for the Production of Non-Certified Strawberry Plants.**

1. **Filing Application.** Application on forms furnished by the Plant Board may be made by either the grower or by shipper contracting for grower's plants, and must be made at least 10 days before inspection is desired and must be accompanied by necessary fees. To help insure against the red stele disease, no application will be accepted on a field known to have been exposed to red stele, for example, by drainage from a known-infested field, or if the mother-plants have come from a known-infested field. If possible, applications should be made by September 1. If application is made by contractor, a copy of the contract must accompany the application. Also verification must be made as to variety, source, quantity and quality of plants used to plant fields to be inspected.
2. **Field Inspections.**
  - a. **First-year fields** set with either Arkansas or out-of-state certified plants will be given fall inspection, and then certified for digging, up to February 15, after which date if any plants are still undug a red stele inspection will be made, and if found satisfactory, will be reapproved.
  - b. **1st-year fields** set with non-certified plants can be given fall inspection, **plus** red stele inspection after March 15 or sooner if conditions are such that a satisfactory inspection can be made before that date, and then be approved.
  - c. **1st-year fields** set with non-certified plants, if they average 3 rooted runner-plants per mother-plant at blooming time, can be inspected for red stele at blooming time, and again in the fall and then be approved.
  - d. **2nd-year fields**, regardless of source of plants, can be inspected for red stele at blooming time, and again in the fall and then be approved.
  - e. **Fall inspection** will be made as nearly as possible between September 1 and October 31. Inspectors will dig and examine not less than 100 plants per acre, taking plants from not less than 15 places per acre, well distributed. (a) Fields will be condemned if more than 3% of plants show root-knot nematodes, or if more than 3% of new plants show crown borer signs, or if more than 10% of old and new plants combined show crown borer signs. (b) Fields will be condemned if more than 3% of the plants are affected with either summer dwarf, yellows, or bud rot, except that fields containing not more than 10% of any of these, if rouged down to the 3% tolerance and reinspected, will be passed. (c) Fields generally or severely infested with leaf spot or scorch will be condemned. (d) Fields containing noxious weeds, such as wild garlic or nut grass, which might be spread in the bundles of plants, will be condemned. On fields which pass fall inspection, **strawberry plant certificates** will be issued, dated to expire February 15, under which plants from said fields may be sold up to that time. This applies to fields set with inspected plants only.
  - f. **Red Stele Inspection.** If fall-inspected and-passed fields are not dug by February

15, another inspection must be made before they are sold, and if the plants are then found free of disease, a new certificate will be issued which will be valid for the remainder of the shipping season, expiring June 30. Inspectors will dig and examine not less than 100 plants per acre, taking plants from a number of places well-distributed. The location of places of digging plants shall be at the discretion of the inspector. He will make every effort to dig plants in area where red stele is likely to be most evident. Plants will be examined by slicing several roots on each plant so that the stele of the root is exposed. Should even 1 plant show red stele, this will disqualify the entire field (suspected plants will be sent to the University of Arkansas, Plant Pathology Department for confirmation).

3. **Certificates.**(1) Strawberry plant certificates, both those expiring February 15 and those expiring June 30, will be issued only to the growers of the plants, for use on their own plants that are inspected and approved. (2) **Nursery Certificates** (or dealer's certificates), instead of strawberry plant certificates, will be issued to growers or contractors who deal in bought strawberry plants, in addition to their own plants, or who grow other nursery stock in addition to strawberry plants. A complete record of all sales must be kept by the applicant and shall be made available to the Plant Board upon request.

Note: For Regulations governing the production of certified, that is, Foundation, Registered, Certified Blue Tag, or Certified Green Tag strawberry plants, contact the Plant Board office.

For fees charged, see Section IV, Fees.

#### C. **Special Regulations for the Production of Certified Seed Sweet Potatoes and Sweet Potato Plants.**

1. **Filing Application.** Growers desiring to produce certified seed sweet potatoes must file application on forms furnished by the Plant Board, along with the necessary fees, by June 15 of each year. Applications for the certification of sweet potato plants must be filed at least 30 days prior to the bedding of the seed, along with the necessary fees.

Application forms will be furnished for this purpose. Applicants must agree to get prior approval of bedding sites, bed only Arkansas certified seed, and sell only Arkansas certified plants.

2. **Inspections.** Fields for the production of certified seed shall be inspected twice during the growing season by Plant Board inspectors to determine freedom from diseases, insects and noxious weeds. To qualify, fields must be in a reasonably good state of cultivation and free enough from weeds and grass so that a complete observation of the sweet potatoes can be made at each inspection. Also, fields must be apparently free of disease, insects and noxious weeds as declared in Section 1 that might be disseminated with the seed.

At least one or more inspections of plant beds shall be made during the selling season, and to qualify plants must be reasonably free of diseases, insects, and noxious weeds as declared in Section 1, that may be disseminated with the plants.

At least one storage or bin inspection shall be made on seed potatoes for certification.

Potatoes shall be so stored that they are accessible for a complete inspection, and no chance of contamination by other potatoes. If potatoes are found to be free of disease and insects and have qualified in other respects they are eligible for certifications.

3. **Grade Standards.** Seed sweet potatoes which are sold as certified shall meet the following standards. They must be smooth, free from dirt, breaks, cracks, serious crooks, bruises, decay, decayed spots, disease sign, and insect damage or signs. They must be from one inch to three and one-half inches in diameter, and at least three inches and not over nine inches long, and not over 5% may be round, or oval shaped, unless the buyer specifies "field run" in which case any potatoes over one-half inch in diameter may be included. They must be packed in new containers.
4. **Records.** Applicants shall keep a complete set of records in regard to sales and upon request records shall be made available to the Plant Board.

For fees charged, see Section IV, Fees.

**SECTION III. REGULATIONS FOR NURSERY STOCK, NURSERYMEN, NURSERY DEALERS, NURSERY AGENTS AND NURSERY LANDSCAPE CONTRACTORS.** Nursery stock as defined in the Nursery Fraud Act (ACA § 2-21-101 to 113) shall include all field-grown florist stock, trees, shrubs, vines, cuttings, grafts, buds, fruitpits and other seeds of fruit and ornamental trees and shrubs, and other plants and plant products for propagation, except field, vegetable and flower seeds.

**A. Sale and Transportation of Nursery Stock.**

1. All nursery stock sold or transported within or into the State of Arkansas shall have attached to the outer container thereof either a certificate of inspection or a dealer's certificate. If transported within or into the State of Arkansas by means other than a common carrier, the driver of the vehicle must have in his possession either a certificate of inspection or a dealer's certificate, a copy of which shall be given to the person or to each of the several persons to whom the nursery stock is delivered.
2. Any person desiring to ship nursery stock into Arkansas shall:
  - a. File with the Plant Board an official certificate of inspection showing that the nursery has been inspected and found reasonably free of insect pests, plant diseases and noxious weeds. Or, this information may be certified to the Plant Board by the nursery inspection official of the state of origin.
  - b. Attach a valid copy of the certificate of inspection of the state of origin to each package, box or bundle of nursery stock shipped into Arkansas. On multiple-order shipments, a certificate must be attached to each individual order as well as to the outer package. On container-grown or balled and burlapped bulk shipments, a certificate may be attached to the invoice covering each delivery.
3. No fee shall be charged out-of-state nurserymen or dealers who deliver nursery stock to Arkansas nurserymen and dealers, or who ship directly from their out-of-state locations to Arkansas purchasers.



4. Any person who is selling nursery stock in person within the state directly to the consumer must obtain either a nursery dealer, nurseryman, agent or nursery landscape contractor license and pay the prescribed annual fee.

**B. Inspection of Nurseries, Dealer's Stocks and Sales by Agents and Nursery Landscape Contractors.**

1. All nurseries shall be inspected at least once each year for insect pests, plant diseases, and noxious weeds, and a written notice of the findings of such inspection shall be given by the Plant Board to the owner or manager of each nursery. Upon the inspection of the nursery and proper fulfillment by the nurseryman in charge thereof of the requirements and conditions contained in said notice and upon full payment of the fees and costs hereinafter prescribed, the Plant Board shall issue a certificate of inspection. Application for inspection of nurseries must be made by August 15 of each year.
2. Nursery dealers and/or agents are required by law to have a valid license issued by the State Plant Board prior to offering for sale or selling nursery stock in Arkansas. Stock of nursery dealers and that sold by nursery agents shall be inspected from time to time, inspections to be made in heel yards, in transit, and/or after stock has been sold. Dealers must provide facilities for keeping nursery stock in viable condition, either outdoors or indoors, and inspectors will check such facilities for compliance, as well as infestation of insect pests, plant diseases and noxious weeds.
3. **Dealers in Nursery Stock.** Any dealer who holds a nurseryman's license under the provisions of the Arkansas Nursery Fraud Act 1919, as amended, may secure a dealer's certificate by filing with the Board an affidavit stating that he will keep the Director informed of the names and addresses of the nurserymen from whom he secured his nursery stock and that he will not ship under his dealer's certificate any nursery stock unless the grower of said nursery stock is in possession of a valid certificate or permit issued by the Board.
4. **Nursery Landscape Contractors.** Those nursery dealers involved in the installation of ornamental or horticultural plants, or offering for sale, or selling nursery stock in Arkansas, through the planting of nursery stock for compensation, are considered to be nursery landscape contractors. If not already holding a valid Arkansas Nurseryman or nursery dealers license, nursery landscape contractors will be required to obtain a valid nursery landscape contractor license issued by the State Plant Board to preform such services.

Stock of nursery landscape contractors shall be inspected from time to time with inspections to be made in heelyards, in transit and/or after stock has been planted. Inspectors will check for viability of stock, infestations of insects, plant disease and noxious weeds.

Nursery landscape contractors that do not maintain a heelyard shall submit a list of no more than 10 contract jobs which have been completed within the last 12 months, so that inspection of plant materials can be made on site. This list of jobs must be submitted to the Arkansas State Plant Board by May 15th of the preceding licensed year.

5. **Nurserymen, Nursery Dealers, Agents or Nursery Landscape Contractors. Must Make Records Available Upon Request.** Nurserymen, nursery dealers, agents or nursery landscape contractors must make available invoices and applicable quarantine certificates on all sales of nursery stock upon request of the Authorized State Plant Board Designees.

- C. **Green-Colored Wax on Nursery Stock.** The sale or offering for sale of rosebushes or other nursery stock covered with green-colored wax is prohibited in Arkansas.

For fees charges, see Section IV, Fees.

**SECTION IV. FEES.** The following annual and/or item fees shall apply to plants and nursery stock as covered by these regulations:

**Nurseryman:**

License Fee	\$10.00	
Inspection Fee	45.00	covers first acre of field-grown or first 1/4 acre of container-grown stock and first 500 sq. ft. of purchased nursery stock displayed in heelyard.
Additional Insp. Fees:		
Field-grown Stock	5.00	per acre or fraction thereof over the first 1 acre.
Container-grown Stock	5.00	per 1/4 acre or fraction thereof over the first 1/4 acre.
Heelyard Stock 5.00	per each 500 sq. ft. or fraction thereof over the first 500 sq. ft. Applies to purchased nursery stock only. No fee for owner-grown stock displayed in his own heelyard. Nurseries having additional heelyards in locations or towns other than at nursery must obtain dealer's or agent's license for each sales outlet.	
Nursery Certificate Tags	15¢	each

**Nursery Dealers:**

License Fee	10.00	
Inspection Fee	45.00	covers first 500 sq. ft. of heelyard or display area.
Additional Insp. Fee	5.00	per each 500 sq. ft. or fraction

thereof over the first 500 sq. ft.

Dealers having more than one sales outlet or display area must obtain dealer's or agent's license for each separate location.

Nursery Certificate Tags	15¢	each
<b>Nursery Agents:</b>		
License Fee	10.00	
Inspection Fee	45.00	
		covers first 500 sq. ft. of heelyard or display area. Also covers planting site inspection of plants where Agent does not maintain a heelyard or display area.
Additional Insp. Fee	5.00	per each 500 sq. ft. or fraction thereof over the first 500 sq. ft.

**Nursery Landscape Contractors:**

License Fee	10.00
Inspection Fee	45.00

If Landscape contractor maintains a heelyard this covers first 500 sq. ft. of that heelyard or display area. Also covers planting site inspection of plants where landscape contractor does not maintain a heelyard or display area.

Additional Insp. Fee	5.00
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per each 500 sq. ft. or fraction thereof over the first 500 sq. ft.

**Out-of-State Nurseries:**

Registration Fee

Not required unless the state in which the nursery is located requires a registration fee of Arkansas nurseries. In such cases an equivalent fee will be charged.

License Fee	10.00
Inspection Fee	45.00

(These fees apply only if nursery has agents selling within the state. In such cases planting site inspections will be made.)

**Horticultural:**

Advice Certificate	1.00
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**Strawberry Inspection:  
State Inspected**

Application Fee	25.00
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Not required when grower is also a nurseryman and has paid nursery fees.

Inspection Fee	1.50
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per each 1/4 acre

**Strawberry Inspection: Certified**

Application Fee	50.00
Inspection Fee	2.00
Certification Tags	15¢

per each 1/4 acre  
each

**Turf Grass Certification:**

Application Fee	25.00	
Inspection Fee	3.00	per acre
Certification Tags	15¢	each
<b>Sweet Potato Certification - Seed</b>		
Inspection Fee	25.00	for 1st acre, plus \$6.00 for each additional acre
Certification Labels	15¢	each
<b>Sweet Potato Certification - Plants</b>		
Inspection Fee	10.00	plus 2 cents per square foot
Certification Labels	15¢	each
<b>Non-Certified Sweet Potato Plant Beds:</b>		
Inspection Fee	10.00	plus 2 cents per square foot
<b>Sweet Potato Weevil Inspection:</b>		
Inspection Fee:	10.00	per acre
Trapping		
Fumigated Sweet Potatoes	5¢	for each bushel
Unfumigated Sweet Potatoes	5¢	for each bushel
<b>Vegetable, Garden, Truck and Strawberry Plants:</b>		
Inspection Fee	10¢	per sq. ft. for plants to be sold from beds or in pots.
	10¢	for each flat of 240 sq. in. or less.
	15¢	for each flat of more than 240 sq. in.
	<b>10.00</b>	<b>Minimum Fee</b>
<b>Out-of-State Vegetable, Garden, Truck and Strawberry Plants:</b>		
Registration Fee	10¢	for each crate, box or basket of bundle plants.
	10¢	for each flat of 240 sq. in. or less.
	15¢	for each flat of more than 240 sq. in.
	<b>50.00</b>	<b>Minimum Fee</b>

Fees shall be calculated on the basis of previous sales in Arkansas or on anticipated sales (Subject to Audit) for new producers.

Permits for plants brought  
into state under special  
permission

20¢

each. Plants are inspected at  
destination. No registration fee  
is required.

#### **Phytosanitary Certificates**

Issuing Fee (State)

15.00

each certificate

Sampling Fee (State or Federal)

7.50

each certificate when Plant  
Board must take sample.

**Reinspection Fee:** When an extra trip is made necessary because of late application, because of findings of a previous inspection, or for other reasons, an additional charge may be made as follows: \$30.00 for first one-half day or fraction thereof for each inspector, plus \$10.00 per hour for each inspector's time in excess of the one-half day.

#### **SECTION V. Stop-Sale Notices.**

**Stop-Sales Notices.** Plant Board inspectors will check for compliance with the regulations contained in Circular 11, as well as the laws under which they are promulgated. Stop-Sale Notices shall be issued for the following reasons:

- a. Selling, offering for sale, or transporting within or into Arkansas plants and nursery stock as herein regulated without being officially covered by a license and/or certificate or permit.
- b. Failure to label in accordance with the law and regulations as herein outlined.
- c. Selling, offering for sale or transporting within or into Arkansas for sale, plants and nursery stock as herein regulated that are diseased, insect-infested, containing noxious weeds, dead, or in weak condition.
- d. Misabeled or misrepresented as to variety, count, size, quality, grade or condition.
- e. Shipped or moved from an area either within or outside Arkansas that is covered by a quarantine of the Federal or State government, without having been officially cleared and so documented.

When a stop-sale notice is issued, a copy shall be given to the person in possession of the stock in question. **As specified in the law, it shall be unlawful to sell, transport or dispose of in any way, plants and nursery stock covered by a stop-sale notice, without first having been authorized in writing by the Plant Board.** The Plant Board reserves the right to publish a notice of quarantine of stock in the local newspaper against any person when it is deemed necessary for failure to comply with the proper disposal of condemned stock.

#### **SECTION VI. Regulations Governing the Movement of Sweet Potatoes into the State from Areas Infested or Suspected of Being Infested with Sweet Potato Weevil.**

A. Sweet potatoes, or plants or vines thereof, which have been grown or stored in counties or parishes now or hereafter known to be infested with the sweet potato weevil, must not be transported into or stored, used, or distributed within the state of Arkansas, except as follows:

1. Sweet potatoes must be moved only to consignee who holds a valid permit (issued on request) from the Arkansas State Plant Board, authorizing said consignee to receive shipments of fumigated potatoes between July 1 and January 31 of each year.
2. Sweet potatoes must be fumigated with methyl bromide immediately prior to shipment in a manner approved by the Director of the Arkansas State Plant Board. (a) Only sweet potatoes which have been inspected and found apparently free of weevils will be eligible for fumigation. (b) Fumigation certificates signed by an authorized plant quarantine official, showing number of bushels, car number, dosage, time of exposure, temperature, name and address of consignor and consignee and any other information required by the Director, must be mailed to the Plant Board at Little Rock when the shipment is made. (c) Duplicate copy of certificate must be attached to waybill, or be in possession of the driver of vehicle. (d) Each container in the shipment must bear an official fumigation tag. (e) Sweet potatoes must be moved into Arkansas immediately after fumigation.
3. Permit-holder (consignee) must notify the Plant Board, Little Rock, immediately on arrival of each shipment. With said notification, permit-holder must remit to the Plant Board a one cent fee for each bushel of sweet potatoes in said shipment.
4. Sweet potato plants or vines must not be transported into Arkansas under any condition.

The Plant Board will inspect on arrival as many of the fumigated shipments as possible. Should living stages of sweet potato weevil be found in any shipment, or should it be found that any of the provisions of this rule are not being complied with, the Director may invalidate any or all permits issued under this rule. The Director may cause to be destroyed, refumigated or removed from the state, any shipment in which live stages of the weevil are found.

B. **Exception for Canning Plants.** Sweet potatoes fumigated as described in Paragraphs 2 and 3 may be brought to canning plants for immediate canning at any time, provided culls and refuse are sterilized at the plant.

"Unfumigated sweet potatoes may be brought to canneries at any time provided the canner and broker or hauler has a signed Compliance Agreement on file with the Plant Board binding him to the following:

1. Special permission shall be obtained from the Director of the Arkansas State Plant Board before bringing weevil-area potatoes into the state. Permission shall be restricted to the following area and purpose:
  - a. **Area** - That section of Northwest Arkansas included in the following counties:

Baxter, Benton, Boone, Carroll, Cleburne, Conway, Crawford, Faulkner, Franklin, Fulton, Independence, Izard, Jackson, Johnson, Lawrence, Madison, Marion, Newton, Pope, Pulaski, Randolph, Searcy, Sebastian, Sharp, Stone, Van Buren, Washington and White. Prohibited elsewhere in the state.

- b. **Purpose** - Immediate canning only. Seed, bedding, table use, etc., prohibited, entire state.
2. Each load shall be accompanied by an official certificate of the state of origin showing apparent freedom from weevils.
  3. Each load shall be officially sealed by the originating inspector and remain sealed until opened for canning.
  4. Certificates and seals from each load shall be kept by cannery and surrendered to inspector upon request.
  5. If shipped by rail at any time or truck between January 1 and July 1, certificates must show treatment of load with a pesticide recommended and registered for such use.
  6. Shipment must be in tight rail cars or van-type trucks with vents screened. Tarpaulin-covered loads will not be accepted.
  7. Potatoes must be canned immediately upon arrival. In emergency cases potatoes may be unloaded and stored for not more than 48 hours in such a way that weevils, if present, cannot escape and cause infestation.
  8. No potatoes may be carried away from canning plant, and all must be canned except culls.
  9. Culls, wastes and cleanings must be:
    - a. Processed through lye vat at regular plant speed and temperature and flushed down drain, or
    - b. Collected in a tank covered with hot lye solution (Minimum 185 degrees F.), allowed to soak for 1 hour, then either buried 2 feet deep, flushed down drain, or fed to livestock immediately.
  10. After canning, plant premises must be thoroughly cleaned and sprayed with an insecticide to kill any live weevils thereon.
  11. Trucks and rail cars after unloading and before leaving premises must also be cleaned and sprayed as in number 10 above, and cleanings disposed of as in number 9 above.
  12. Plant Board inspectors will make periodical, unannounced inspections to check for conformity with all items stipulated herein, but will not necessarily remain through entire canning process each visit.
  13. Inspectors will recommend cancellation of this Agreement and withdrawal of the



Director's special permission if serious discrepancies with the stipulations are noted.

14. An inspection fee of 5 cents per bushel will be charged, based upon duplicate load certificates which are received by the Plant Board office from the out-of-state inspector. These certificates and seal numbers must match those kept by the canner from each load and surrendered to Plant Board inspector."
- C. Sweet potatoes grown in counties or parishes which are free or which have been declared free of potato weevil will be admitted into Arkansas without fumigation, provided each load is accompanied by a certificate of the quarantine officer of the state where grown, giving name and address of grower, number of bushels in the load, destination of load, name of county or parish where grown, and certifying that said county or parish is free of sweet potato weevil, and the date issued.

## SECTION VII. MISCELLANEOUS REGULATIONS

1. Sale or Transportation of Seed Irish Potatoes is prohibited within the state (Irish potatoes which are represented orally or in writing as being suitable for planting purposes) unless the potatoes have been inspected in the field and certified as true to variety and free from disease, by the official certification agency of the state in which they were grown; and the official certification tag of said state must be sealed to each bag or container thereof.

**Use of Misleading Words Prohibited.** Seed Irish potatoes must not be accompanied by tags, labels, or other devices on which are used the words "Inspected or Certified" or on which are used any other word or words which might suggest a similar meaning, unless said potatoes have in fact been certified as to freedom from disease and as to varietal purity by the official certification agency of the state in which they were grown.

2. **Texas (Phymatotrichum) Root Rot.** Nursery stock, strawberry plants and vegetable plants grown or originating in the counties of Miller and Little River, and in any other counties in which the phymatotrichum root disease is hereafter found to exist, which are affected with said disease, shall be prohibited from moving into any other portion of the state or into other states.
3. The Director may refuse further services of the Plant Board to anyone who owes the Board for fees, until the fees are paid or until satisfactory arrangements are made for paying them.
4. **Phytosanitary Certificates.** For sampling, inspecting or analyzing, and issuing phytosanitary certificates for soybeans, rice, small grains, cottonseed, cottonseed meal, soybean meal, lumber and other plant products or plants, the charge will be \$10.00 per certificate.
5. **Plant Destroying Snails.** The Brown Garden Snail, **Helix aspersa**, has been reported in Arizona, California, Florida, Louisiana and South Carolina. It is a plant feeder and very destructive to many host plants. It is readily transported on infested nursery stock. The shipment, therefore, of nursery stock into Arkansas from infested states, or from any state hereafter found infested with this or any other snail known to be a serious plant pest, shall be subject to the following:
  1. Nurseries in infested states who desire to ship plants into Arkansas shall file certificates

of inspection with the Arkansas State Plant Board. As part of such certificate, or attached to it, there shall be a declaration signed by the state's regulatory officer stating that the nursery concerned has been inspected and found free of the Brown Garden Snail, **Helix aspersa**.

Amended certificates of inspection will also be accepted for nurseries which ship only:

- A. Bare root nursery stock free of soil.
- B. Cured bulbs free of soil.
- C. Nursery stock from tightly enclosed greenhouses or other structures where official inspections are made to assure the enclosures are free of snails.

A valid copy of the state of origin certificate of inspection shall be attached to each package, box or bundle of nursery stock shipped into Arkansas, or to the invoice accompanying each bulk delivery of balled and burlapped or container-grown stock.

- 2. Infested nurseries may ship plants into Arkansas under either of the following conditions:
    - A. **Fumigation.** Certificates and invoices shall accompany each load showing that the stock has been fumigated in a gastight chamber with methyl bromide, 2 1/2 pounds per 1,000 cubic feet, 70 degrees F. or above, for 2 hours; or with HCN, 25cc per 100 cubic feet, 50 to 85 degrees F., for 1 hour.
    - B. **Quarantine Area Certification.** Nursery stock will be accepted if accompanied by certificates and invoices showing that the plants have, under official supervision, been:
      - 1. Held in a separate, designated quarantine area for at least 30 days.
      - 2. Treated intermittently with baits and sprays.
      - 3. Inspected and reinspected for Brown Garden Snail.
      - 4. Completely free of harmful snails for at least 30 days.
  - 3. Nursery stock or plant material arriving in Arkansas from an infested state without proper certification will be held under Stop-Sale Order until properly certified, or returned to the shipper at his expense, unless found infested with living Brown Garden Snails or other snails known to be serious plant pests.
  - 4. Nursery stock or plant material found infested with Brown Garden Snail or any other dangerous plant pest will be destroyed, or fumigated at the shipper's expense, **provided** the infestation can be eliminated without hazard of spread of the pest during treatment.
6. **Fusarium Wilt of Tomatoes.** A new race of the tomato fusarium wilt organism (**Fusarium oxysporum f. sp lycopersici** race 2) has been found in the pink tomato section of Southeast Arkansas. This organism is a serious threat to commercial tomato production anywhere in the state. To prevent the spread of Race 2, or other new races which may hereafter

develop, the following regulations shall apply to all producers of vegetable plants in Bradley and Drew Counties, and in every county where Race 2 or other new races may subsequently be found.

The movement of tomato plants within or from the above described regulated area is prohibited, except when such plants are produced under inspection of the State Plant Board and in compliance with the following special regulations:

1. Soil used in beds, pots, cups, flats, pot-beds and cold frames for plant production, or to rest containers upon, shall be obtained from areas where tomatoes have not been grown in the past.
2. Soil and/or soil-media mixtures shall be decontaminated by one of the following methods before use in plant production:
  - A. Methyl Bromide fumigation (4 pounds per 100 cubic feet of soil for a minimum of 24 hours at 40 degrees F. or above).
    1. Bulk soil shall be confined on a concrete slab or sheet of polyethylene plastic over the ground surface during fumigation.
    2. Bulk soil shall be no more than 12 inches deep to assure gas penetration.
    3. Holes shall be punched in the soil at 12 inch centers to facilitate gas penetration.
    4. Soil in pot-beds, coldframes and holding areas shall be loosened as deep as practicable to assure gas penetration.
    5. Fumigation covers shall be air tight (no holes).
    6. Special care shall be taken when removing the cover to prevent recontamination with untreated soil.
  - B. Heat sterilization shall be acceptable if performed according to Extension Service recommendations (Misc. Publication 64, "Control of Disease and Insect Pests in the Plant Bed").
  - C. Artificial media (new or unused peat, perlite, vermiculite, etc.) may be used without decontamination if reasonable precautions are taken against contamination with untreated soil (i.e., mixing on sterilized surfaces, etc.).
3. All flats, boxes, pots, cups, tools, etc., which have been used in plant production or which have come in contact with untreated soil must be decontaminated, preferably by Methyl Bromide fumigation.
4. Plant house interior surfaces must be decontaminated (all surfaces of benches, timber supports, heating and ventilating equipment, walls, ceilings, floors, etc.).
  - a. This shall also apply to surfaces of coldframes, pot-beds and holding areas.

- b. An effective decontaminant spray or drench may be prepared with 50% commercial Clorox, or with 1 gallon commercial formaldehyde to 18 gallons water. After using either material, ventilate until fumes can no longer be detected before growing plants (a few hours to several days for Clorox, longer for formaldehyde, depending upon conditions).
- 5. Direct traffic from tomato fields to plant production areas must not be permitted.
  - a. Wash hands with soap and decontaminate shoes with 50% Clorox before entering the plant house, coldframes or holding areas.
- 6. Locally grown seed shall not be planted.
  - a. A tag or invoice showing purchase of seed from an established seed firm must accompany application for inspection.
  - b. In cases of dire necessity locally grown seed may be used if hot water treated (122 degrees F. for 25 minutes). Advance permission must be obtained from Director of Plant Industry Division.
- 7. These regulations shall apply in addition to and do not replace any regulations now given in "Regulations On Plant Diseases and Pests" (Circular 11).
- 7. **Blueberry Nursery Stock.** The production of blueberries is a new and growing industry in Arkansas. Diseases such as red ringspot, necrotic ringspot, stunt and phytophthora root rot pose a serious threat to the blueberry industry, especially in its developing stages. To prevent the spread of these and other diseases by blueberry nursery stock the following regulations shall apply to all blueberry plants produced in Arkansas for sale.

- I. **Mother Blocks.** All blueberry plants produced in Arkansas shall be grown from cuttings taken from mother blocks which have been established as prescribed by these regulations and kept under rigid inspection and rouging by the State Plant Board.

Mother blocks shall be established by one of the following methods:

- a. Transplanting or clearly designating and setting apart plants which have been inspected and found to be free of serious diseases, including the above, or
- b. Setting plants which have been indexed or otherwise officially determined to be free of harmful diseases, or
- c. Setting plants which have been produced in an approved official certification program in Arkansas or another state, or
- d. Setting plants which have been produced from cuttings from an officially approved mother block established and maintained as set out in these regulations.

- e. **New Varieties.** When it appears advantageous to the Arkansas blueberry industry to bring in a promising new variety which does not qualify for entry under (a) through (d) above, cuttings, rooted cuttings or plants may be brought into Arkansas and grown in isolation under inspection, indexing or other testing until officially determined to be free of harmful insects and diseases. When such official determination has been made, said plants shall be eligible for the establishment of mother blocks as in (a) and (b) above.

Proof of origin in the form of affidavits or sales invoices or certification tags, shall be required for cuttings, rooted cuttings or plants which are to be used in establishing approved mother blocks if from a source other than the applicant nurseryman's own blocks.

## **II. Mother Blocks:**

- a. Shall not be fruited for production purposes.
- b. Shall be clearly designated and set apart from fruiting fields and when possible located where they will not receive drainage from fruiting fields.
- c. Shall be inspected by the State Plant Board as often as necessary and at optimum times for the detection of such diseases as red ringspot, necrotic ringspot, other virus diseases, stunt, phytophthora root rot, fungus cankers, crown gall, and harmful insects and mites.
  - 1. All obviously diseased or seriously infested plants found in a mother block shall be removed and destroyed within 10 days of inspection.
  - 2. Plants suspected of being diseased or infested shall be submitted to the appropriate department at the University of Arkansas for an official determination. Those plants officially determined to be diseased or seriously infested shall be removed and destroyed when such is determined to be necessary.

## **III. Production of Nursery Stock.**

### **A. Cuttings** taken from a mother block shall be:

- 1. Rooted in beds on raised benches or raised gravel to break contact with the soil. If the bedding medium contains soil or is being reused the medium shall be fumigated with an approved fumigant according to label directions. Heat sterilization performed according to directions in Extension Circular 540, "Control of Diseases and Insect Pests in the Plant Bed," shall be acceptable. Artificial media (**new** peat, perlite, vermiculite, washed sand, etc.) may be used without fumigating or heat treating if reasonable precautions are taken against contamination.
- 2. Rooted in beds located where they will not receive drainage from fruiting fields or mother plant blocks.

**B. Rooted Cuttings.** Rooted cuttings shall be transplanted to:

1. Fields which have been fumigated with an approved fumigant according to label directions, or
2. Containers in which the growing medium, if it contains soil or is being reused, has been fumigated or heat treated as in III (a) 1 above. Artificial media (**new** peat, perlite, vermiculite, washed sand, etc.) may be used without fumigating or heat treating if reasonable precautions are taken against contamination. Used containers shall be decontaminated by washing with 30% clorox solution before reusing.

Containers shall be placed on raised benches or on raised gravel beds in such manner as to avoid contact of the plants or containers with contaminated soil or water.

Container blocks or field blocks shall be located where they will not receive drainage from fruiting fields or mother plant blocks.

**C. Nursery Stock.** Blueberry nursery stock when produced as prescribed herein may be sold as:

1. Cuttings.
2. Rooted Cuttings.
3. Field-grown plants.
4. Container-grown plants.

Proof of origin must be provided to the purchaser if the cuttings, rooted cuttings or plants are to be used in the establishment of new mother blocks or for the production of rooted cuttings or container-grown or field-grown plants for sale.

**IV. Application of Regulations.** These regulations shall apply in addition to and do not replace any regulations covering nursery stock now in effect as covered by Plant Board Circular 11, "Regulations on Plant Diseases and Pests," nor do they replace or supersede any requirement of the Arkansas Plant Act or the Arkansas Nursery Fraud Act.

**V. Fees.** The nursery license and inspection fees described in Circular 11, Section IV shall apply.

**VI. Effective Date.** To avoid penalizing plant production by current methods while mother blocks are being established, these regulations shall become effective in two stages. Present plant production practices may be continued until December 31, 1984, after which date all cuttings shall be taken and started as prescribed in these regulations. After December 31, 1986 all cuttings, rooted cuttings and plants produced in Arkansas for sale shall be produced as set forth in these regulations.

8. **Lythrum Species (Including but not limited to Purple Loosestrife).** All *Lythrum* species including any hybrid cross thereof is hereby declared to be a public nuisance and designated a noxious weed. It is prohibited to transport, buy, sell, offer for sale, or to distribute Lythrum species inter or intra state. The planting of plants and/or plant parts including seed is strictly prohibited in the State of Arkansas.

## **SECTION VIII. QUARANTINES**

### **1. GYPSY MOTH QUARANTINE**

Revoked December 9, 1983 after two (2) successive years of negative annual surveys.

### **2. IMPORTED FIRE ANT QUARANTINE**

Whereas, it has been determined, and so declared, that a serious insect pest, the imported fire ant, (*Solenopsis saevissima richteri* Forel), is known to exist in Arkansas, and is known to be a serious pest of humans, crops, livestock, and wildlife.

Whereas, the fire ant may be disseminated by the transportation or movement of the following products or substances: (a) soil and unprocessed sand or gravel, separately or with other things, (b) forest, field, or nursery-grown woody or herbaceous plants with soil attached, (c) plants in pots or containers, (d) grass sod, (e) unmanufactured forest products such as stump wood or timbers if soil is attached, (f) any product or substance which may hereafter be found capable of spreading the imported fire ant.

1. Movement of said products or substances from areas which are now or may hereafter be designated by the U.S. Department of Agriculture as imported fire ant regulated areas is prohibited except under regulations which have been or may hereafter be made by the U.S. Department of Agriculture.
2. Areas which are found infested or which are so situated as to be subject to infestation with the imported fire ant must be treated to eradicate it. In lieu of requiring the property to be treated by the owner, or at the owner's expense, the Board may elect to apply the treatment, in cooperation with USDA at no cost to the owners. Property owners will be notified when treatment is to begin through newspapers, radio, television, and by personal contact where feasible.

### **3. PEACH MOSAIC QUARANTINE**

Revoked November 10, 1992, after eight (8) successive years of negative annual surveys.

### **4. PHONY PEACH DISEASE QUARANTINE**

**Standard State Quarantine Order No. 2, as  
Revised June 13, 1951**

**Effective on and after July 2, 1951**

DISEASE: Phony Peach, a virus disease of peach and certain other stone fruits.

**State and Counties Currently Affected by Phony Peach Disease**

Alabama:	Entire State
Florida:	Entire State
Georgia:	Entire State
Louisiana:	Entire State
Mississippi:	Entire State
Arkansas:	Counties of Arkansas, Ashley, Bradley, Chicot, Columbia, Crittenden, Cross, Desha, Drew, Hempstead, Howard, Jefferson, Lafayette, Lee, Lincoln, Little River, Miller, Monroe, Nevada, Phillips, Pike, Poinsett, St. Francis, Sevier, Union and Woodruff.
Missouri:	County of Dunklin
North Carolina:	Counties of Anson, Cumberland, Gaston, Hoke, Polk, and Rutherford
South Carolina:	Counties of Aiken, Allendale, Bamberg, Barnwell, Cherokee, Chesterfield, Edgefield, Greenville, Lancaster, Laurens, Lexington, Marlboro, Orangeburg, Richland, Saluda, Spartanburg, Sumter and York
Tennessee:	Counties of Chester, Crockett, Dyer, Fayette, Hardenman, Hardin, Lake, Lauderdale, McNairy, Madison and Weakley
Texas:	Counties of Anderson, Bexar, Brazos, Camp, Cherokee, Freestone, Limestone, McLennan, Milam, Rusk, San Augustine, Smith and Upshur.

**REGULATED PRODUCTS:**



All peach, plum, apricot, nectarine and almond nursery stock.

**CONDITIONS GOVERNING SHIPMENT:**

Transportation by any means whatsoever of the regulated products from any regulated area either into, or within, or from the State of Arkansas, is permitted only when there is securely attached to the outside of each shipment a valid nursery inspection certificate issued by an authorized official of the state of origin and bearing the name and address of the consignor of the regulated articles contained therein.

**REQUIREMENTS FOR CERTIFICATION:**

Certificates or permits shall be issued only on the following conditions:

1. That each nursery in the phony peach infested areas producing the regulated products shall apply to the State quarantine official for approval of the proposed nursery-growing site on or before August 15 of each year;
2. Selected nursery sites shall be at least 300 yards from wild or domesticated plum, 1/2 mile from phony-infested commercial orchards, and 1/2 mile from urban area;
3. The one-half environs of the nursery site shall be inspected prior to October 1, and all phony trees found within such environs removed prior to November 1;
4. All budding shall be restricted to the slip-bud method.

## **REMOVAL OF AREAS FROM REGULATIONS:**

When satisfactory evidence has been presented that no phony peach disease has been found for a period of three years in any county or state affected by this quarantine, said county or state shall be removed from these regulations.

## **SHIPMENT OF REGULATED PRODUCTS FOR SCIENTIFIC PURPOSES:**

Regulations of this quarantine do not apply to shipments of regulated products to the United States Department of Agriculture or to other recognized institutions for scientific purposes except that a special permit must be secured for the entry into or movement within the State of Arkansas of such products.

### **5. PINK BOLLWORM QUARANTINE**

For information concerning Pink Bollworm quarantine, request Circular 16.

### **6. SOUTHERN PINE BEETLE QUARANTINE**

Revoked December 2, 1982.

### **7. SOYBEAN CYST NEMATODE QUARANTINE**

Revoked December 4, 1981.

### **8. SWEET POTATO WEEVIL QUARANTINE**

Adopted March 11, 1983 after proclamation of a State Emergency by Governor Bill Clinton. For information request a copy of the quarantine.

### **9. WHITE-FRINGED BEETLE QUARANTINE**

Revoked June 30, 1975 at the same time the Federal quarantine was revoked.